

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

STATE OF WASHINGTON,

No. 3:17-cv-05806-RJB

PLAINTIFF,

v.

THE GEO GROUP, INC.,

DEFENDANT.

UGOCHUKWU GOODLUCK  
NWAUZOR, FERNANDO AGUIRRE-  
URBINA, individually and on behalf of all  
those similarly situated,

No. 3:17-cv-05769-RJB

STIPULATION RE: DEPOSITION BY  
REMOTE VIDEO MEANS

Plaintiff,

v.

THE GEO GROUP, INC., a Florida  
corporation,

Defendant.

**STIPULATION**

This stipulation is made and entered into between the Parties, by and through their respective counsel, with reference to the following:

1. In response to the COVID-19 pandemic, national, state, and local officials have

1 declared a state of emergency. Public health officials recommend that people maintain physical  
2 distance between themselves and others to slow the spread of COVID-19.

3 2. The Parties wish to proceed with depositions in this matter, which typically  
4 involves close physical proximity. To observe social distancing and other health and safety  
5 protocols, the Parties may conduct depositions through remote video means.

6 THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS  
7 FOLLOWS:

8 1. Plaintiffs will depose Brian Evans and Dan Ragsdale by remote video means  
9 pursuant to Fed. R. Civ. P. 30(b)(4).

10 2. Physical Presence. Brian Evans and Dan Ragsdale will be made available for  
11 deposition by video. The witness will agree, on the record at the beginning of the deposition not  
12 to converse with anyone off of the video recording while the parties are on the record. This  
13 agreement will include nonverbal communication. Nothing in this section should be construed  
14 to prohibit the witness from seeking IT support, should the need arise. Nor shall it prohibit the  
15 corporate representative from appearing in the same room as the witness, so long as the corporate  
16 representative remains on video for the duration of the deposition and maintains her own video  
17 stream separate from that of the witness.

18 3. Participant List. At least forty-eight (48) hours prior to the noticed deposition  
19 date, each individual planning to participate in the deposition must notify the party noticing the  
20 deposition of his/her intent to participate and provide the following information to the noticing  
21 party: (a) name, (b) email address, and (c) phone number. The noticing party will share this  
22 information with the vendor arranging the deposition for the limited purpose of facilitating each  
23 participating parties' access to the video web portal for the deposition.

24 4. Technology Requirements. All video depositions will be stenographically  
25 recorded by a court reporter with real-time feed capabilities. Each individual participating in a  
26 deposition conducted by video must have a webcam-equipped device (such as a desktop, laptop,

1 or tablet), and a device with audio-capabilities or access to a telephone for calling into the  
2 deposition. Other than this equipment, the witness shall not be permitted to have access to any  
3 other communication devices (such as a cellphone) while on the record, but a witness may have  
4 access to devices that may help him or her participate in the conference such as speakers, remote  
5 hotspot devices, headphones, or other similar devices that are not used for communication with  
6 a third-party. The witness will be responsible for ensuring that they have access to required  
7 equipment on the day of the deposition and that the any equipment checks or tests (as instructed  
8 by the deposition services vendor) have been completed prior to the deposition. Noticing counsel  
9 are not responsible for the quality or functionality of the video and audio stream for the witness,  
10 observers, or other participants. Attendees agree to work in good faith to facilitate remote  
11 participation.

12 5. Identification of Individuals in Attendance. Each witness, attorney, and other  
13 person attending the deposition shall be identified on the record at the commencement of the  
14 deposition. Under no circumstances may a person attend the deposition remotely in any manner  
15 without identifying themselves on the record at the commencement of the deposition.

16 6. Conduct by Participants Appearing Remotely. Each individual participating in  
17 the deposition (including counsel for the deponent) must do so remotely (subject to the  
18 limitations in Paragraph 1) and agrees to have an active video stream and audio line for the  
19 duration of the deposition. Each participant should attend from a quiet, private location. The  
20 parties understand that there are technological limits for all involved and that certain glitches  
21 may be impossible to avoid, but that all attendees will work in good faith to avoid any such  
22 glitches where possible.

23 7. Counsel Representing the Deponent During a Video Deposition. While on the  
24 record, counsel for the deponent shall not communicate with the witness at all outside of the  
25 video/audio stream. This includes, but is not limited to, instant messaging, text messaging, or  
26 any equivalent. In the event any such communications occur, the parties agree that the

1 communications are discoverable. Only one person may be designated to make objections. This  
2 does not prohibit counsel from making objections or statements on the record that are allowable  
3 under existing applicable rules for depositions, including, but not limited to ensuring the witness  
4 can properly see exhibits that are being shown to him or her and ensuring all parties are on the  
5 same page of the exhibit.

6 8. Disruptions. In the event a participant's video feed is interrupted or otherwise  
7 becomes hidden from view, the deposition will be suspended, and the parties will go back on the  
8 record only when the participant's video stream functionality has been restored. Disruptions due  
9 to video streaming, phone line interruptions, or other technical problems shall not be counted  
10 against record time. If a party believes that the transmission and/or recording was disrupted in  
11 bad faith, including but not limited to for purposes of delay, it may seek further appropriate relief  
12 from the Court.

13 9. Court Reporter and Videographer. The parties will stipulate, in accordance with  
14 Fed. R. Civ. P. 30(b)(5), that the court reporter or videographer may participate in the deposition  
15 by remote means, and that the deposition will be deemed to have been conducted "before" that  
16 officer, even though the officer is not physically present with the deponent, so long as that officer  
17 is able to identify the deponent.

18 10. Exhibits. Exhibits will be shared electronically through the court reporter's  
19 exhibit share platform, Exhibit Share, which requires all participants to have a web browser. The  
20 noticing party agrees to provide exhibits via email should technical issues arise.

21 11. Official Record. The court reporter's transcript, and the videographer's recording  
22 (if any), shall constitute the official record of the deposition for all purposes.

23 12. Other Recording. No participant other than the court reporter and videographer  
24 (if any) may record or photograph any of the proceedings. This shall include recording using any  
25 form of remote transmitting device, computer recording device, laptops, camera, and personal  
26 device, including smart phones, tablets, iPads, Androids, iPhones, Blackberries, or other PDAs.

Nothing in this provision prevents or limits the taking of notes by those identified on the record.

13. Use of Remote Depositions at Trial. Remote depositions conducted in accordance with this Stipulation may be admitted at trial with the same effect as a deposition conducted in-person.

14. Instant Visual Display Technology. In the event the noticing party utilizes instant visual display technology such that the court reporter's writing of the proceeding will be displayed in real-time, the witness shall not have access to the instant visual display, unless agreed upon by the parties.

15. Applicable Authority. Unless otherwise set forth herein, the Federal Rules of Civil Procedure, Federal Rules of Evidence, and other applicable authority shall govern as though the deposition was conducted in-person.

SO STIPULATED this 10th day of June 2020.

AKERMAN LLP

s/Adrienne Scheffey

Colin L. Barnacle (Admitted *pro hac vice*)

Adrienne Scheffey (Admitted *pro hac vice*)

1900 Sixteenth Street, Suite 1700

Denver, Colorado 80202

Tel: (303) 260-7712

Fax: (303) 260-7714

Colin.Barnacle@akerman.com

Adrienne.Scheffey@akerman.com

III BRANCHES LAW, PLLC

Joan K. Mell, WSBA #21319

1019 Regents Boulevard, Suite 204

Fircrest, WA 98466

Tel: (253) 566-2510

joan@3ebrancheslaw.com

*Attorneys for Defendant*

SCHROETER GOLDMARK &  
BENDER

s/ Jamal N. Whitehead

Adam J. Berger, WSBA #20714

Lindsay L. Halm, WSBA #37141

Jamal N. Whitehead, WSBA #39818

Rebecca J. Roe, WSBA #7560

810 Third Avenue, Suite 500

Seattle, WA 98104

Tel: (206) 622-8000 ~ Fax: (206) 682-2305

berger@sgb-law.com

halm@sgb-law.com

whitehead@sgb-law.com

THE LAW OFFICE OF R. ANDREW  
FREE

Andrew Free (*Pro Hac Vice*)

P.O. Box 90568

Nashville, TN 37209

Tel: (844) 321-3221 ~ Fax: (615) 829-8959

andrew@immigrantcivilrights.com

1 ROBERT W. FERGUSON  
2 Office of the Attorney General

3 *s/ Marsha Chien*

4 MARSHA CHIEN, WSBA No. 47020  
5 ANDREA BRENNEKE, WSBA No.  
6 22027

7 LANE POLOZOLA, WSBA No. 50138  
8 PATRICIO A. MARQUEZ, WSBA No.  
9 47693

10 Assistant Attorneys General  
11 Office of the Attorney General  
12 800 Fifth Avenue, Suite 2000  
13 Seattle, WA 98104  
14 (206) 464-7744

15 marsha.chien@atg.wa.gov  
16 andrea.brenneke@atg.wa.gov  
17 lane.polozola@atg.wa.gov  
18 patricio.marquez@atg.wa.gov

19 *Attorneys for Plaintiff State of*  
20 *Washington*

SUNBIRD LAW, PLLC  
Devin T. Theriot-Orr, WSBA # 33995  
1001 Fourth Avenue, Suite 3200  
Seattle, WA 98154-1003  
Tel: (206) 962-5052 ~ Fax: (206) 681-9663  
devin@sunbird.law

MENTER IMMIGRATION LAW,  
PLLC  
Meena Menter, WSBA # 31870  
8201 164<sup>th</sup> Ave NE, Suite 200  
Redmond, WA 98052  
Tel: (206) 419-7332  
meena@meenamenter.com

*Class Counsel*

**ORDER**

IT IS SO ORDERED:

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
ROBERT J. BRYAN  
United States District Judge

Jointly Presented by:

SCHROETER GOLDMARK & BENDER

*s/ Jamal Whitehead*

\_\_\_\_\_  
Adam J. Berger, WSBA #20714  
Lindsay L. Halm, WSBA #37141  
Jamal Whitehead, WSBA #39818

*Class Counsel*

AKERMAN LLP

*s/ Adrienne Scheffey*

\_\_\_\_\_  
Colin L. Barnacle (Admitted *pro hac vice*)  
Ashley E. Callhoun (Admitted *pro hac vice*)  
Adrienne Scheffey (Admitted *pro hac vice*)

*Attorneys for Defendant*

ROBERT W. FERGUSON  
Attorney General of Washington

*s/ Marsha Chien*

\_\_\_\_\_  
MARSHA CHIEN, WSBA No. 47020  
ANDREA BRENNEKE, WSBA No. 22027  
LANE POLOZOLA, WSBA No. 50138  
PATRICIO A. MARQUEZ, WSBA No. 47693

*Attorneys for Plaintiff State of Washington*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was electronically filed with the United States District Court using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Dated this 10th day of June 2020 in Seattle, Washington.



Caitilin Hall  
Legal Assistant